

COMMONWEALTH OF VIRGINIA

DELEGATE TERRIE L. SUIT, CHAIR

ELIZABETH A. PALEN, Commission Coordinator



GENERAL ASSEMBLY BUILDING
910 CAPITOL STREET, SECOND FLOOR
RICHMOND, VIRGINIA 23219
(PHONE) 804-786-3591
(FAX) 804-371-0169
epalen@leg.state.va.us
<http://dls.state.va.us/houscomm.htm>

VIRGINIA HOUSING COMMISSION

VHC Building Codes Work Group Meeting

November 15, 2006
Patrick Henry Building
House Room 1
10:00 A.M.

Present:

Commission Members

Senator John Watkins
Delegate Bob Hull
Andy Heatwole
T.K. Somanath

Advisors

Michael Congleton
Kathleen Drumwright
Mark Flynn
John Hastings
Mark Ingrao
Emory Rodgers
Neil Rodgers
Candice Street
Mike Toalson
Rick Witt

Senator Watkins called the meeting to order at 10 A.M.
There were no opening comments from members of work group.

DELEGATE JOHN A. COSGROVE
DELEGATE ROBERT D. HULL
DELEGATE DANIEL W. MARSHALL, III
DELEGATE MELANIE L. RAPP
DELEGATE TERRIE L. SUIT

SENATOR MAMIE E. LOCKE
SENATOR JOHN C. WATKINS
SENATOR MARY MARGARET WHIPPLE

F. GARY GARCZYNSKI
F. ANDREW HEATWOLE
T. K. SOMANATH

Retroactive Placement of Sprinklers

The first item on the agenda was a follow-up on legislation dealing with retroactively adding sprinklers to buildings over 75 feet or approximately seven stories high. Senator Watkins asked Emory Rogers to present a report on information regarding sprinklers that he prepared for the work group.

Emory Rodgers addressed the group by saying that at the last meeting of the work group there was an inquiry about what the model codes specify for retroactive sprinklers. He referred attention to the October 6, 2006, memo (posted on line) that indicated that the International Code Council (ICC) and the International Fire Code have no retroactive sprinkler requirements. The Council and Code require sprinklers when occupancy of the building is changed and the International Code Council's existing code requires sprinklers when a building is altered 50 % or more on a particular floor. In November 2005, the International Building Code was adopted. Two NAPA 1 and 101 have requirements for retroactive sprinklers and those two model codes are not utilized in our Uniform Statewide Building Code. At the first work group meeting, I provided some data from our state system on fires in buildings over seven stories, he said. Over a three year period from 2003 to 2005, in buildings 75 feet or higher with fires, there were 21 injuries and about 4.2 million dollars in damages in sprinkled buildings. There were 93 incidents and three injuries and \$380,000 in damages in nonsprinkled buildings of the same height. This data, he said, does not include data about the fire that was in Richmond; that will be included in the next cycle of data collection.

T.K. Somanath asked, "What constitutes alterations to calculate the 50%?"

Emory responded that taking down partitions, removing partitions and walls and rebuilding would. Typically, in office buildings where you have on a floor a tenant and that tenant leaves and a new tenant comes in, alterations are done to that floor or you have multiple tenants on that floor, that's where the 50% comes from. If you are rehabing a building and the facade is there but all interior sections are removed, then that would require sprinkling.

T. K. inquired if the Code distinguishes between commercial and residential buildings in the United States.

Emory replied no. Alterations in commercial or residential buildings are both in the Code. A multi-family building that is being rehabilitated including 50% of the units on a particular floor, then that floor, if it has a water supply, as pointed out by Mark Ingrao, would have to be sprinkled.

Senator Watkins asked if Emory could recall about how many fatalities happened in Virginia in multi-story buildings, and if there had been any incidences of damages, injuries, or fatalities in regard to state-owned buildings. Emory answered that he didn't have a recollection of any other incidents in the last several years in Virginia in high-rise buildings, multifamily or commercial buildings. It appears that all state-owned high-rise buildings are suppressed at this point, he said.

Mike Toalson reported that he had looked into the Chicago sprinkler situation at the request of Senator Watkins.

Chicago enacted in 2004 an ordinance that required all high-rise buildings over 80 feet to establish sprinkler systems, but there were two significant exemptions. The first exemption applies to all landmarks, and this includes all commercial buildings built before 1975. The second exception is for residential structures. There is a requirement that there has to be a life safety evaluation conducted on all such buildings where exemptions have been applied for and received. There were several other exemptions; for example: there had to be a life safety data sheet completed that required the fire department to be provided with basic information that included the location of the building's steam pipes as well as the building's use and ownership and management requirements. The important point is that Chicago did do this and they had two significant exemptions, one for all buildings determined to be landmark buildings, because it wasn't feasible to sprinkle them, and all residential structures.

Neil Rodgers talked about sprinkled buildings that are financed by VHDA. He said he looked at the VHDA portfolio and identified the properties that catered to or are recognized as being senior properties. He looked exclusively at buildings with four or more stories and the biggest concern is that only 15% of the senior properties are considered to be above mid-rise. All of those are either federally subsidized properties or tax credit properties and the ability of the owners to recoup the cost of retrofitting a sprinkler system is extremely limited and funds are just not available either from HUD or other places to help them recoup these costs. There are 12 properties identified that make up 15% of the portfolio and they fall into a really difficult situation. Section 8 properties are subsidy contracts and some expire before 2016 and others after that, for these properties where the contract might expire before whatever the deadline is for retrofitting sprinklers, they might at least have the ability to recapitalize or to sell the property or do something else with it.

Chris LaGow spoke to give an insurance perspective. He said he looked at a number of insurance companies and tried to find if there was quantification of costs for whether a building was sprinkled or an unsprinkled building. He attempted to see if the cost savings might be sufficient in sprinkling a building, but Chris stated that there was not a lot of hard fast data available. The reason for the lack of data is that most of high-rise buildings are A-rated buildings, and they are individually rated. He said that there is no data to support whether insurance premiums are reduced for buildings that are sprinkled or those that are not.

Dave Johnston who represents commercial property owners in the country said the International Code Council (ICC), favors the use of sprinklers in new construction. This approach is fair, balanced, and cost effective.

Fire Chief Robert Creasy, City of Richmond, spoke on behalf of retroactive sprinkling of buildings. He mentioned the fire at Imperial Plaza in Richmond. He said he is asking for the opportunity to pursue a reasonable solution to a critical and life altering problem for Richmonders and Virginians.

Rus Sanders, Executive Secretary of the Metropolitan Metro Fire Chiefs and Ben Roy of the National Fire Protection Association both submitted written testimony which is posted on the VHC website.

Bob Duffus, Captain and Deputy Fire Marshall, City of Richmond said the price to retrofit sprinklers in Richmond is approximately \$4.50 per square foot.

Senator Watkins suggested a statutory authority where localities can choose from a menu designed to encourage property owners to retrofit their properties, as opposed to mandates. Incentives could include waivers or reduction of fees; state tax credits; real estate tax abatements or reduction in real estate taxes; local and state tax exemptions for materials.

Senator Watkins stated, that in today's legislative climate, he is uncertain that a requirement that all buildings over 75 feet be retroactively sprinkled would pass the General Assembly. Instead, a better alternative would be legislation that will set up the sprinkler requirements to be implemented over a period of years.

Senator Watkins suggested that draft legislation be drawn up to be implemented over 15 years in areas where the population is over 50,000 and in buildings over 75 feet. Localities will need to provide information about how many buildings they have that qualify and then have to be retrofitted; how many of them have public participation, in terms of either ownership or funding of rents. He needs to know the square footage of the buildings and a breakdown between residential and commercial buildings. Housing Commission staff, the Virginia Municipal League, and VACO will work together to obtain this information.

Requiring retroactive sprinklers could raise prices to the extent that it could force low-income people out of their homes and leave them with no where to go.

Senator Watkins suggested that legislation could be limited to the City of Richmond since the City is the requester

Carbon Monoxide Detectors

Item two on the agenda was the discussion of the requirement for mandatory carbon monoxide detectors in residential structures. Emory Rodgers reported that at the present there is not a national standard for the detectors; some detectors last years, others months and the reliability is not predictable.

A discussion ensued about recommending SB 667 to the full committee. It was decided to not recommend the bill at this time because there is no set standard for the detectors.

HB 1451

The third item on the agenda was Delegate Hull's proposed legislation to more strictly enforce the Uniform Statewide Building Code dealing with occupancy limits in single family dwellings. Delegate Hull reported that he was working with interested parties and would give a report when the full commission meets in November. There were no objections and no further comment was made on HB 1451.

The meeting was adjourned at 12:20 p.m.